

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JAMES LEE WAGNER

PLAINTIFF

: CIVIL NO. 1:CV-00-1290

: (JUDGE KANE)

V.

WILLIAM F. WARD, ET AL,

DEFENDANT'S

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:
:

NOTICE OF APPEAL

40
11-8-02
Sc
FILED
HARRISBURG.

NOV 07 2002

MARY E. D'ANDREA, C
Per Sc
Deputy Clerk

NOTICE IS HEREBY GIVEN THAT, JAMES LEE WAGNER, PLAINTIFF IN THE ABOVE CAPTIONED CASE, HEREBY APPEALS TO THE UNITED STATES COURT OF APPEALS FOR THE 3RD CIRCUIT FROM THE FINAL JUDGEMENT FROM THE ORDER OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, DATED 30 SEPTEMBER, 2002, RECIEBVED BY PLAINTIFF ON 3 OCTOBER, 2002, GRANTING DEFENDANT'S MOTION TO DISMISS, DISMISSING PLAINTIFF'S MOTION TO COMPEL DISCOVERY, ORDERING THE CLERK OF COURT TO CLOSE THIS CASE.

PLAINTIFF NAMED AS DEFENDANT'S IN HIS COMPLAINT AS FOLLOWS: WILLIAM WARD, CHAIRMAN OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, AND THE FOLLOWING BOARD MEMBERS:

GRAY LUCHT, BARBERA DESCHER, RICHARD KIPP, BENJAMIN MARTINEZ, NICHOLAS MULLER, SEAN RYAN, MICHAEL WEBSTER, AND ALL OTHER UNNAMED BOARD MEMBERS.

PLAINTIFF WISHES TO APPEAL THE COMPLETE JUDGMENT OF THIS ORDER AND REQUESTS THIS HONORABLE COURT TO ALLOW PLAINTIFF TO FILE A BRIEF IN REGARDS TO HIS COMPLAINT AND TO EXPAND THE RECORD SO THAT HE CAN ADD ACTIONS TAKEN AGAINST HIM BY THE DEFENDANT'S SINCE FILING HIS 1983 COMPLAINT.

PETITIONER REQUEST THAT ALL ORIGINAL PAPERS PURSUANT TO THE 42 U.S.C. § 1983 FILED IN THE ABOVE CAPTIONED CASE, ALL MOTIONS, RESPONSES, ETC. THAT PERTAIN TO THIS CASE AND ALL EXHIBITS BE TRANSFERRED TO THE UNITED STATES COURT OF APPEALS FOR THE 3RD CIRCUIT, AND THE COST TO BE PAID BY THE U.S. UNDER THE CRIMINAL JUSTIC ACT. BEING PETITIONER WAS GRANTED FORMA PAUPERIS STATUS IN HIS ORIGINAL 1983 ACTION AND HAD PAID THE \$150.00 FILING FEE HE REQUEST THAT HE BE CONTINUED UNDER FORMA PAUPERIS AS PETITIONER'S FINANCIAL

DATE: 30 October, 2002

JAMES LEE WAGNER, PRO SE

James Lee Wagner

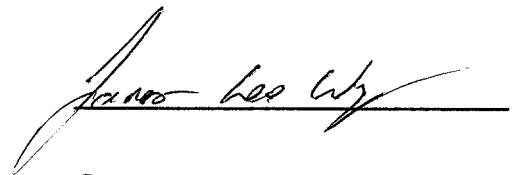
CERTIFICATE OF SERVICE

I, JAMES LEE WAGNER, PLAINTIF, HEREBY CERTIFY THAT ON THIS DATE I CAUSED TO BE SERVED THE FOREGOING NOTICE OF APPEAL, BY DEPOSITING A COPY OF THE SAME IN THE UNITED STATES MAIL, POSTAGE PREPAID, IN THE ROCKVIEW STATE INSTITUTION MAILBOX, ADDRESSED TO THE FOLLOWING:

PATRICK S. CAWLEY
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
15TH FLOOR STRAWBERRY SQUARE
HARRISBURG, PA. 17120

DATE:

30 Oct 2002



JAMES LEE WAGNER, PRO SE
BOX A, BK-5396
BELLEFONTE, PA. 16823-0820

INFORMATION STATEMENT TO BE COMPLETED BY U.S. DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HARRISBURG, PA

CAPTION:

JAMES LEE WAGNER
Vs
WILLIAM F. WARD, et al.

DISTRICT COURT NO. 1:00-CV-1290

CT. OF APPEALS NO. _____

NOTICE OF APPEAL FILED 11/7/02

COURT REPORTER(S) _____

FILING FEE:

NOTICE OF APPEAL ___ PAID ___ X NOT PAID ___ SEAMAN

DOCKET FEE ___ PAID ___ X NOT PAID ___ USA

CJA APPOINTMENT: (Attach Copy of Order)

___ PRIVATE ATTORNEY
___ DEFENDER ASSOCIATION OR FEDERAL PUBLIC DEFENDER
___ MOTION PENDING

LEAVE TO PROCEED IN FORMA PAUPERIS STATUS, IF APPLICABLE:

(Attach Copy of Order)

X MOTION GRANTED (IN FIRST INSTANCE)
___ MOTION DENIED (IN FIRST INSTANCE)
___ MOTION PENDING BEFORE DISTRICT JUDGE

CERTIFICATE OF PROBABLE CAUSE (STATE HABEAS CORPUS):

(Attach copy of Order)

___ GRANTED
___ DENIED
___ PENDING

COPIES TO:

Judge Yvette Kane
James Lee Wagner, Plaintiff
Patrick Cawley, Esquire
PRSLC Palevac
File Copy

PREPARED BY Shawna L. Cihak
Deputy Clerk

Date: November 8, 2002



UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA
William J. Nealon Federal Bldg & U.S. Courthouse
235 North Washington Avenue
P.O. Box 1148
Scranton, PA 18501-1148

MARY E. D'ANDREA
Clerk of Court

(570) 207-5600 FAX (570) 207-5650
Internet Address: www.pamd.uscourts.gov

Divisional Offices:

Harrisburg: (717) 221-3920
Williamsport: (570) 323-6380

Office of the Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

RE: WAGNER v. WARD, et al.
USDC NO: 1:CV-00-1290
USCA NO:
E-mail Account: All correspondence should be sent to the e-mail account:
PAMDAPPEAL1

Dear Ms. Waldron:

A *Notice of Appeal* was filed in the above-referenced case.

<u> X </u>	Civil Prisoner Case: Case file and docket sheet available through RACER.
<u> </u>	Non-Prisoner <i>Pro Se</i> Civil Case: Notice of Appeal and Docket Sheet available through RACER.
<u> </u>	Non-Prisoner Civil Case or Criminal Case: Notice of Appeal and Docket Sheet available through RACER.
<u> </u>	Civil Prisoner Case: <u> </u> Supplemental Record filed. Documents and docket sheet available through RACER.
<u> </u>	Non-Prisoner Civil Case or Criminal Case: <u> </u> Supplemental Record filed. Docket Sheet available through RACER.

The Clerk's Office hereby certifies the record and the docket sheet available through RACER to be the certified list in lieu of the record and/or the certified copy of the docket entries.

Very truly yours,

s/ Shawna L. Cihak
Deputy Clerk

Date: November 8, 2002